

REMARKS

This amendment responds to the Office Action dated January 28, 2008, in which the Examiner rejected claims 9 and 10 under 35 U.S.C. § 101, rejected claims 1 and 6-10 under 35 U.S.C. § 102(e) and rejected claims 2-5 under 35 U.S.C. § 103.

As indicated above, claims 9 and 10 have been amended in order to be directed to statutory subject matter. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 9-10 under 35 U.S.C. § 101.

As indicated above, claims 1 and 8-10 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 2-7 have been amended for stylistic reasons and to conform to the amendment made to claim 1. The amendments are unrelated to a statutory requirement for patentability and do not narrow the literal scope of the claims.

Claim 1 claims a recording control apparatus, claim 8 claims a recording control method, claim 9 claims a program and claim 10 claims a computer readable medium. The apparatus, method, program and medium record (a) data having a first data amount for a first data series and (b) data having a second data amount for a second data series onto an optical disk so that the respective data are periodically arranged in a circumferential direction of the optical disk in the form of annular rings respectively. A third data series is recorded onto the optical disk so that the third data series is arranged at random independently of the first and second data series.

By (a) recording first and second data onto an optical disk so that the respective data are periodically arranged in a circumferential direction of the optical disk in the form of annular rings and (b) recording third data at random independently of the first and second data series onto the optical disk as claimed in claims 1 and 8-10, the claimed invention provides an

apparatus, method, program and medium which allows for high-speed reproduction and retrieval.

The prior art does not show, teach or suggest the invention as claimed in claims 1 and 8-10.

Claims 1 and 6-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Brook, et al.* (U.S. Publication No. 2003/0146915).

Brook, et al. appears to disclose in FIG. 28 a structure of a file into which a time-line can be saved. The time-line file 2800 comprises a document header 2802, a video track 2826, and a number of audio and title tracks 2828-2834. The video, title and audio tracks 2826-2834 have respective headers 2804-2812. The video track 2826 comprises a sequence of alternating media and transition objects 2814-2822. The audio tracks 2828-2830 are similarly constructed. The title tracks 2832-2834 are similarly constructed [0307]. A directory structure is stored on a PC hard disk 416 [0289].

Thus, *Brook, et al.* merely discloses a hard disk storing time-line files. Nothing in *Brook, et al.* shows, teaches or suggests (a) recording data having a first data amount for a first data series and data having a second data amount for a second data series onto an optical disk so that the respective data are periodically arranged in a circumferential direction of the optical disk in the form of annular rings respectively and (b) recording a third data series onto the optical disk so that the third data series is arranged at random independently of the first and second data series as claimed in claims 1 and 8-10. Rather, *Brook, et al.* merely discloses a hard disk device storing data in a time-line.

Since nothing in *Brook, et al.* shows, teaches or suggests (a) recording first and second data series onto an optical disk so that the respective data are periodically arranged in a circumferential direction of the optical disk in the form of annular rings respectively, and (b) recording a third data series onto the optical disks so that the third data series is arranged at

random independently of the first and second data series as claimed in claims 1 and 8-10, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 8-10 under 35 U.S.C. § 102(e).

Claims 6-7 depend from claim 1 and recite additional features. Applicants respectfully submit that claims 6-7 would not have been anticipated by *Brook, et al.* within the meaning of 35 U.S.C. § 102(e) at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 6-7 under 35 U.S.C. § 102(e).

Claims 2-5 were rejected under 35 U.S.C. § 103 as being unpatentable over *Brook, et al.* in view of *David* (U.S. Publication No. 2002/0131763).

Applicants respectfully traverse the Examiner's rejection of claims 2-5 under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Brook, et al.* shows, teaches or suggests the primary features as claimed in claim 1, Applicants respectfully submit that the combination of the primary reference with the secondary reference to *David* will not overcome the deficiencies of the primary reference. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2-5 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Ellen', with a large, stylized flourish extending to the right.

Date: June 30, 2008

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